

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

\* \* \*

KATHLEEN CERNETICH, et al.,

Plaintiffs,

v.

SCOTT JONES, et al.,

Defendants.

2:09-cv-01115-JCM-LRL

**O R D E R**

Before the court is defendants Whirlpool and Lowes' Motion for Determination of Good Faith Settlement (#86).

On September 27, 2010, the undersigned conducted the settlement conference that resulted in the settlement at issue. Defendant Scott Jones was ordered to participate in the settlement conference, but did not do so. The settlement discussions were conducted at arms length, without collusion or fraud. The parties realistically considered the potential for a damages award, and the risks of failure of proof at trial. No effort was made to undermine the interests of the absent defendant Jones, who has not opposed this request for a good faith determination. Indeed, on January 6, 2011, defendant Jones and defendants Whirlpool and Lowes filed a Stipulation for Dismissal with Prejudice (#92), in which Whirlpool and Lowes agreed to dismiss their cross-claims against Jones, and Jones agreed to dismiss his counter-cross-claims against Whirlpool and Lowes.

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1 IT IS THEREFORE ORDERED that defendants Whirlpool and Lowes' Motion for  
2 Determination of Good Faith Settlement (#86) is granted. The court finds and determines that the  
3 settlement reached in this case among the plaintiffs and defendants Whirlpool and Lowes was reached  
4 in good faith.

5 DATED this 11th day of January, 2011.

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**LAWRENCE R. LEAVITT**  
9 **UNITED STATES MAGISTRATE JUDGE**